

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

P.O. Box 419064, Rancho Cordova, CA 95741-9064



June 9, 2004

CSSIN LETTER: 04-10

ALL IV-D DIRECTORS
ALL COUNTY ADMINISTRATIVE OFFICERS
ALL BOARDS OF SUPERVISORS

SUBJECT: PROCESSING CASES WITH FOREIGN RECIPROCATING COUNTRIES

The purpose of this letter is to inform you that the federal Office of Child Support Enforcement (OCSE) released Policy Interpretation Questions (PIQ) 04-01 to provide guidance to IV-D agencies in processing cases with foreign reciprocating countries. This information applies to all countries with federal reciprocity as well as those with separate reciprocal arrangements with California. Specifically, the PIQ responds to questions from IV-D agencies about interstate case processing rules and how these rules apply to cases with foreign reciprocating countries.

The PIQ clarifies that requests for services from foreign reciprocating countries are to be treated in the same manner as requests from other states. The PIQ also addresses the issue of case processing timeframes and clarifies that other countries are not required to meet the timeframes that apply to interstate cases for responding to requests from the IV-D agencies. However, states must meet the timeframes set by federal regulations for interstate cases when processing international cases.

Additionally, the PIQ explains that states may not refuse to forward an international case when the non-custodial parent is located in another state. Pursuant to 45 CFR 303.7(c)(6), when the IV-D agency is "directed" (which may include a request received via e-mail or phone call) to forward the case, they are required to send it to the appropriate state.

The PIQ also refers to spousal support cases and clarifies that states are not required to provide services in spousal-only cases from foreign reciprocating countries. However, pursuant to 454(32)(B) of the Social Security Act, states have the option of providing services for the enforcement of a spousal support order entered by a foreign

Reason for this Transmittal

- ☐ State Law or Regulation Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Change
- ☐ Clarification requested by One or More Counties
- ☒ Initiated by DCSS

reciprocating country or a country with which the state has an agreement. California has opted in its Title IV-D State Plan not to provide enforcement services for spousal-only orders from foreign countries.

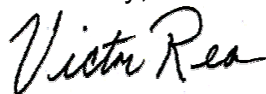
Also, the PIQ clarifies that states cannot require the physical presence of an individual who resides in another country in order to proceed with a hearing. In accordance with Section 316(b) of the Uniform Interstate Family Support Act (UIFSA), the physical presence of a petitioner in the responding jurisdiction is not required for the establishment, enforcement or modification of a support order or a determination of parentage. Witnesses may appear via telephone, or other electronic means, at any proceeding pursuant to Section 316(f) of UIFSA.

For further details, please refer to PIQ-04-01, dated March 31, 2004, which is available on the OCSE website at:

<http://www.acf.dhhs.gov/programs/cse/pol/PIQ/2004/piq-04-01.htm>

If you have any questions or concerns regarding this matter, please contact Eddie Yamamoto, Manager of the Case Management Establishment Policy Unit, at (916) 464-5229.

Sincerely,



on behalf of

DONNA S. HERSHKOWITZ
Deputy Director
Child Support Services Division